

DJIBOUTI: TIER 3

Djibouti is a source, transit, and destination country for men, women, and children subjected to forced labor and sex trafficking. Over 90,000 men, women, and children from Ethiopia, Somalia, and Eritrea transit Djibouti as voluntary and often undocumented economic migrants en route to Yemen and other locations in the Middle East, particularly Saudi Arabia. Some of these migrants are subjected to forced labor and sex trafficking in their intended destinations. In early 2015, the crisis in Yemen created a reverse influx of persons fleeing Yemen to Djibouti; the Government allowed over 30,000 people of diverse nationalities to enter freely and take refuge, some of whom endured various types of exploitation, possibly including trafficking, before their transit to Djibouti. Some Djiboutian and migrant women and girls are subjected to domestic servitude or sex trafficking in Djibouti City, the Ethiopia-Djibouti trucking corridor, and Obock, the main departure point for Yemen. Some migrants intending to be smuggled may be transported or detained against their will and subsequently subjected to trafficking, and other forms of abuse, in Djibouti. Smuggling networks, some of whose members are likely Djiboutian, sometimes charge exorbitantly high rents or kidnap and hold migrants, including children, for ransom; some migrant women reportedly were subjected to domestic servitude and forced prostitution in Djibouti to pay these ransoms. In addition, traffickers based in Yemen or Saudi Arabia, who reportedly intend to exploit migrants or sell women into prostitution or domestic servitude upon their arrival there, sometimes pay these ransoms. Some of Djibouti's older street children reportedly act as pimps of younger children. Parents sometimes force their children to beg on the streets as a source of familial income; children may also travel from foreign countries—including Ethiopia and Somalia—for begging in Djibouti. Children are also vulnerable to forced labor as domestic servants and, at times, coerced to commit petty crimes, such as theft.

The Government of Djibouti does not fully meet the minimum standards for the elimination of trafficking and is not making significant efforts to do so. In March 2016, the government passed and officially promulgated a new anti-trafficking law to supersede the existing 2007 anti-trafficking law; however, it did not use the prior law to prosecute traffickers during the reporting period. Djiboutian officials

did not investigate any potential sex or labor trafficking cases or initiate prosecutions of any suspected trafficking offenders; two cases from previous reporting periods remained pending, including one case allegedly involving five officials complicit in trafficking crimes. The government did not fully operationalize its national action plan to combat trafficking, which it finalized during the previous reporting year. The government did not identify or provide protection for any trafficking victims in 2015 due largely to capacity and resource constraints; in 2014, it identified three victims and provided them with basic health care. Djiboutian officials continued to work cooperatively with an international organization to publish and disseminate anti-trafficking training materials.

RECOMMENDATIONS FOR DJIBOUTI:

Amend the new anti-trafficking law to more closely conform with international standards, specifically add language that no means such as force, fraud or coercion are required when the victim is a child, and repeal contrary provisions of existing laws; enforce anti-trafficking legislation through investigations and prosecutions of trafficking offenders, in particular those involved in child sex trafficking, domestic servitude, and other forced labor offenses; compile and publicize data on convictions and sentences of trafficking offenders; establish policies and procedures for government personnel to proactively identify potential victims and transfer them to care; expand protective provisions for victims, through partnerships with NGOs or international organizations, as appropriate; train judges, prosecutors, and police on the distinctions between trafficking and alien smuggling; implement the extended national action plan; institute a module on human trafficking as a standard component of the mandatory training program for new police and border guards; and develop and launch a nationwide anti-trafficking awareness campaign.

PROSECUTION

The government amended its national anti-trafficking law, but otherwise made minimal law enforcement efforts to combat trafficking. In 2015, the government worked with international trafficking experts to draft a new national anti-trafficking law more closely aligned with the international definition of trafficking.

In March 2016, the government passed and promulgated Law No. 133 On the Fight Against Trafficking in Persons and Illicit Smuggling of Migrants, which prohibits all forms of trafficking and adequately distinguishes between trafficking and smuggling; it prescribes penalties of five to 10 years' imprisonment—these penalties are sufficiently stringent, but penalties less than 10 years' imprisonment are not commensurate with other serious crimes, such as rape. Where aggravated factors exist, including when the victim is less than 18 years old, a person is confined or subjugated to forced labor or prostitution, or when fraudulent activity is involved, penalties prescribed are increased to 10 to 20 years' imprisonment; life imprisonment is prescribed if a victim dies, or the subjection to trafficking resulted in permanent disability or organ removal. However, contrary to the international definition of trafficking, Law No. 133 requires force, fraud, or coercion for child sex trafficking. Law No. 133 repeals Djibouti's Law No. 210 of 2007, Regarding the Fight Against Human Trafficking. Law No. 111, Regarding the Fight Against Terrorism and Other Serious Crimes of 2011, remains in effect and also prohibits all forms of trafficking in persons and prescribes penalties of 10 years' imprisonment and a fine for the trafficking offense, or 15 years' imprisonment and a fine if aggravating circumstances are present. However, contrary to the international definition of trafficking, Law No. 111 requires force, fraud, or coercion for child sex trafficking. While Law No. 133 and Law No. 111 are similar, they are not identical either in the definition of exploitation or in the penalties prescribed, which may create confusion, raise legal issues, and make it difficult for law enforcement and prosecutors to implement the law effectively.

The government did not investigate or initiate prosecutions of any forced labor cases or sex trafficking offenses during the reporting year; it reported one conviction of a trafficker in 2014. Two prosecutions remained ongoing from previous reporting periods, one of which commenced in 2012. The government did not report any investigations, prosecutions, or convictions of government officials complicit in human trafficking offenses in 2015. During the previous year, the government arrested five military officials for alleged trafficking crimes. However, the government reported they subsequently returned to their jobs and that, upon being summoned to court in 2015, they never appeared; this case remains pending trial. The government did not conduct or sponsor any anti-trafficking training for law enforcement personnel during the reporting period, although various

government officials participated in anti-trafficking trainings facilitated and funded by international organizations.

PROTECTION

The government sustained inadequate efforts to protect trafficking victims. During the reporting year, it did not identify or provide protective services to any victims, though it did award restitution for non-payment of wages to one woman; it identified three adult female trafficking victims the previous year. If implemented, the new anti-trafficking law would provide for asset seizure and establish some victim assistance for trafficking victims. The government continued to lack a formal system to proactively identify victims of trafficking among vulnerable populations, such as undocumented migrants, street children, and persons in prostitution. It did take measures to ensure refugees entered Djibouti with proper documentation and donated materials and personnel to staff a transit facility; however, official round-ups, detentions, and deportations of non-Djiboutian residents, including children, remained routine and lacked standardized screening mechanisms to assess for trafficking indicators, which left individuals vulnerable to exploitation and potential re-trafficking. The gendarmerie continued its coordination with an international organization to transfer voluntary economic migrants, including potential trafficking victims, on an ad hoc basis to either medical facilities or the Migrant Response Center—an office staffed and operated by an international organization along the route most heavily traversed by migrants from Somalia and Ethiopia en route to Yemen. The government maintained its allocation of funding to local Djiboutian NGOs, which operated counseling centers and other programs that may have assisted trafficking victims during the year. In November 2015, an international organization facilitated a training for an unknown number of government personnel on how to protect and adequately assist migrant children at high risk for abuse, including trafficking. The new anti-trafficking law establishes provisions granting victims the right of residence during judicial proceedings and permanent residence as necessary as legal alternatives to removal to countries where they may face hardship or retribution; however, these provisions were not employed during the reporting year. The government collaborated closely with the Government of Ethiopia to repatriate Ethiopian

migrants who agreed to voluntary return from Djibouti or Yemen, some of whom may have been trafficking victims.

PREVENTION

The government did not demonstrate tangible efforts to prevent trafficking. The government did not fully operationalize its national action plan to combat trafficking, which was finalized during the previous reporting period. In coordination with the government, an international organization distributed awareness-raising materials to sensitize migrants on the differences between trafficking and smuggling and on the dangers of irregular migration, and provided phone numbers for emergency services in Djibouti. The anti-trafficking working group met frequently during the year; however, the general lack of capacity and coordination among relevant government agencies continued to stymie progress in national anti-trafficking efforts. The government did not undertake efforts to reduce the demand for commercial sex acts or forced labor. International experts provided Djiboutian troops with anti-trafficking training prior to their deployment abroad on international peacekeeping missions. The government did not provide anti-trafficking training for its diplomatic personnel.